IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.12.2007

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THE HONOURABLE MR JUSTICE V.RAMASUBRAMANIAN

Writ Petition No. 10408 of 2007
and
M.P.No.1 of 2007

P.Jayasamarajadurai ... Petitioner.

Vs

1. The State of Tamil Nadu
rep. by Secretary to
State Co-operatives Department,
Fort St. George, Chennai-600 009.

2. The Special Officer,
District Central Co-operative Bank,
Beach Road, Cuddalore District.

3. The Secretary,
Primary Agricultural Co-operative Bank,
Paachaipalayam,
Cuddalore District. ... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus directing the 2nd respondent to dispose of petitioner representation dated 8.11.2006.

For Petitioner :Ms.P.Bhuvaneswari
For Respondents :Mr.M.R.Jothimanian,
Govt. Advocate.

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ORDER

The petitioner availed a loan from the 3rd respondent Agricultural Bank. By G.O.Ms.No.70, Co-operative, Food and Consumer Protection Department, dated 13.05.2006, the Government waived all agricultural loans. Therefore, the petitioner made a representation dated 08.11.2006 to return all the jewels pledged by him after waiving the loan taken by him. Since the said representation did not evoke any response, the petitioner has come up with the present writ petition seeking a limited prayer to direct the 2nd respondent to consider his representation and pass orders.

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2. Heard Ms.P.Bhuvaneswari, learned counsel for the petitioner and Mr.M.R.Jothimanian, learned Government Advocate, appearing for the respondents.

3. On 21.03.2007, when the writ petition came up for admission, the Additional Government Pleader took time to get instructions and the respondents were directed not to bring the jewels for sale in the meantime. But the learned Government Advocate could not get instructions till date.

4. Considering the fact that the prayer of the writ petitioner is only of a limited nature, this writ petition is disposed of directing the 2nd respondent to consider the representation of the petitioner dated 08.11.2006 in accordance with G.O.Ms.No.70, Co-operative, Food and Consumer Protection Department, dated 13.05.2006 and pass orders within a period of four weeks from the date of receipt or production of a copy of this order. This order shall not be construed as an order on the merits of dispute. Till the 2nd respondent passes orders on the representation of the petitioner, the jewels of the petitioner shall not be auctioned, in view of the fact that there is an interim order in favour of the petitioner from 05.04.2007. Connected M.P. is closed. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Secretary,
   State of Tamil Nadu
   State Co-operatives Department,
   Fort St. George,
   Chennai-600 009.

2. The Special Officer,
   District Central Co-operative Bank,
   Beach Road,
   Cuddalore District.

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3. The Secretary,
Primary Agricultural Co-operative Bank,
Paachaipalayam,
Cuddalore District.

+ 1 CC to the Government Pleader SR NO 74525

W.P.No.10408 of 2007

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